IN THE HIGH OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

THURSDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND SSEVEN

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No.18785 of 2007

Between:

Kolavanti Prabhakar Raja Babu … Petitioner

Versus

The Joint Collector,
Machilipatnam at Krishna,
Krishna District & Ors. … Respondents

Counsel for the Petitioner: **Sri B. THIMOTHI (5079)**

Counsel for the Respondents: **GP for Civil Supplies**

THE HONOURABLE SRI JUSTICE
P. S. NARAYANA

WP.NO.18785 of 2007

O R D E R

Heard the counsel on record.

2. The learned counsel representing the petitioner would maintain that an appeal no doubt already had been preferred before the first respondent and since there is every likelihood of delay in disposal of the appeal, it would be just and proper that pending appeal, interim orders to be made by this court.

3. The learned Assistant Government Pleader for Civil Supplies takes notice on behalf of Respondents 1 and 2 and would maintain that the appellate authority is having powers to make appropriate interim orders depending upon the facts and circumstances of the case.

4. Heard both the counsel. The matter is coming up for admission.

5. The writ petition is filed to declare the Proceedings Rc.A.No.3423/2004 dated 27-8-2007 of the second respondent in appointing the third respondent as Fair Price Shop Dealer of Thotapalli, Agiripalli Mandal, Krishna district, as illegal, arbitrary, violative of Article 21 of the Constitution of India and against the provisions of the AP Schedule Commodities (Regulation of

Distribution by Card System) Order and against the guidelines issued by the Government from time to time and consequently to direct the second respondent to appoint the petitioner as Fair Price Shop Dealer of Thotapalli, Agiripalli Mandal, Krishna district and to pass such other and suitable orders.

6. It is stated that one Smt.Kanjarla Rajya Lakshmi submitted her resignation as Fair Price Shop Dealer on 23-1-2007. Consequent there upon the second respondent issued Notification in RC.A.No.3423/2004 dated 31-7-2007 and interview was conducted on 27-8-2007 in pursuance of the Proceedings RC.A.No.3423/2004 dated 27-8-2007.

7. Several grounds had been raised relating to the merits and demerits, the qualifications of the candidates and the other details.

8. In view of the facts and circumstances explained, since it is stated that appeal had been preferred before the first respondent, this Court is of the considered opinion that it would be just and proper to dispose of the writ petition at the admission stage, directing the first respondent to dispose of the appeal at an early date preferably within a period of four weeks from the date

of receipt of this order. It is needless to say that the petitioner is at liberty to move appropriate application seeking interim orders if the petitioner chooses to do so and the appellate authority, the first respondent to dispose of such applications, if any, at the earliest point of time along with the appeal if need be within a period of four weeks from the date of receipt of a copy of this order, as specified above.

9. The writ petition is disposed of at the admission stage. No costs.

JUSTICE P . S. NARAYANA .

06 / 9 / 2007

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NB:

Operative portion of the
order by wire at party's
costs.

CC in two days.
B/o. lsL.